



GREENWOOD COMMON COUNCIL JANUARY 17, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 7:05 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Rev. Eddie Egbert of Suburban Baptist offered the invocation.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin; Mayor Henderson; City Attorney Shawna Koons-Davis; and Deputy Clerk Kathie Fritz. Council member Jessie Reed was not present.
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Mr. Bless moved to approve the minutes of January 3rd, with second by Mr. Gibson. Vote: Ayes.

State Representative Woody Burton reported that he had been contacted by constituents about streets that need repair and gave this list to the Mayor. He also asked if improvements could be made in the turn area and signage in front of the Galyan's on Fry Road (now Dick's Sporting Goods).

The City Attorney had distributed her litigation report. There were no questions from the Council.

Mr. Hardin announced that the ad hoc committee will meet tomorrow at 6:00 p.m. The committee's next step, he said, would be to receive an engineering estimate on building out the gymnasium building to determine if it would be financially feasible. Mr. Deer mentioned that a report was done in 1998 – 2000 which has been available, but Mr. Hardin said the figures would be out of date. Mr. Deer suggested we determine our needs first.

Mr. Bates reported that Phil Tinkle was reelected president of the Plan Commission. The Commission also discussed the former Ponderosa Restaurant becoming a Johnny Carino's Italian Restaurant.

ORDINANCE No. 04-55 – An Ordinance to Amend the Texts of Greenwood Ordinance No. 02-07, Storm Water and Sediment Control, and Greenwood Ordinance No. 02-10, Definitions; and to Amend the Text of the Greenwood Municipal Code (1993), As Amended, Chapter 10, Chapter 10, Articles 21 and 22; to Correct Typographical Errors and Omissions and to Add Indiana Municipal Separate Storm Water Runoff Regulations. At the City Attorney's suggestion, Mr. Bless moved to amend the ordinance as follows:

In the fourth WHEREAS clause, the fifth line by deleting the words "**or unfavorable**" and adding "(7-0)".

In Section 31.C. by amending the language "21.05.01" to read "21.06.01".

In Section 31.D. by amending the language "21.05.01" to read "21.06.01".

In Section 31.F. by amending the language "21.05.02" to read "21.06.02".

In Section 31.H. by amending the language "21.05.02" to read "21.06.02".

In Section 31.J. by amending the language "21.05.03" to read "21.06.03".

In Section 31.L. by amending the language "21.05.03" to read "21.06.03".

In Section 31.O by amending all references to the two new sections to read as follows: "21.05.04" to read "21.06.04" and "21.05.05" to read "21.06.05".

In Section 32.B. by amending the language "21.06.01" to read "21.07.01".

In Section 32.C. by amending the language "21.06.02" to read "21.07.02".

In Section 32.D. by amending the language "21.06.03" to read "21.07.03".

In Section 32.E. by amending the language "21.06.04" to read "21.07.04".

Second by Mr. Bates. Vote: Ayes. **AMENDED.** During discussion it was pointed out that the City of Greenwood already is in compliance with IDEM Rule 13 in several areas. Improving water quality will involve making changes to control illicit discharges and erosion, as well as construction runoff, into the water. Director of Engineering Paul Peoni gave a high estimate of \$200,000. Additional personnel may be needed later as well, with an additional appropriation being requested at that point. Mr. Gibson then moved to pass Ordinance No. 04-55, as amended, through first reading. Second by Mr. Deer. Vote:

Ayes. **ORDINANCE No. 04-55 PASSED FIRST READING AS AMENDED.** To meet the deadline for filing with the State, Mr. Bless moved to suspend the rules to consider second reading. Second by Mr. Bates. Vote: Ayes. **RULES SUSPENDED.** Mr. Gibson then moved to pass Ordinance No. 04-55 through second reading. Second by Mr. Deer. Vote: Ayes. **ORDINANCE 04-55 PASSED SECOND READING AS AMENDED.** Mr. Peoni gave a brief report on the status of the City's storm sewer system at this point, in response to Mr. Deer.

ORDINANCE No. 04-58 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 85.4 Acres Located Approximately ¼ Mile East of Honey Creek Road on the North Side of Cutsinger Road and East of Alden Place Subdivision (commonly known as the Bright Property). **POSTPONED UNTIL FEBRUARY 21, 2005 MEETING FOR FIRST READING AND PUBLIC HEARING.**

ORDINANCE No. 04-60 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 9.328 Acres Located on the South Side of Smith Valley Road and West of the Existing Home Depot Store, and Commonly Known as the Jerry Taylor and Shepherd's Grove Development, Inc. Property. **POSTPONED UNTIL FEBRUARY 21, 2005 MEETING FOR FIRST READING AND PUBLIC HEARING.**

ORDINANCE No. 04-49 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 82.27 Acres Located on the East Side of Honey Creek Road; ¼ Mile South of Cutsinger Road and ¼ Mile North of Stones Crossing Road (commonly known as the Bertha E. Bertsch Revocable Trust Property). **POSTPONED UNTIL FEBRUARY 7, 2005 MEETING.**

ORDINANCE No. 04-51 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 82.3 Acres Located Approximately ¼ Mile South of Worthsville Road and West of Graham Road (commonly known as the Republic Development, LLC Property). **POSTPONED UNTIL FEBRUARY 7, 2005 MEETING.**

ORDINANCE No. 04-56 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith" (Proposed Rezoning of approximately 23.44 acres located approximately ¼ mile east of Honey Creek Road on the north side of Cutsinger Road and east of Alden Place Subdivision, commonly known as the Bright Property). Mr. Hardin moved to pass Ordinance NO. 04-56 on second reading. Second by Mr. Armstrong. Vote: Ayes. **ORDINANCE No. 04-56 PASSED SECOND READING.**

ORDINANCE No. 04-57 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances In Conflict Herewith" (Proposed Rezoning of approximately 17.0 acres located approximately ¼ mile east of Honey Creek Road on the north side of Cutsinger Road and east of Alden Place Subdivision, commonly known as the Bright Property). Mr. Hardin moved to pass Ordinance No. 04-57 through second reading. Second was by Mr. Deer. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 04-32 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 85.4 Acres Located Approximately ¼ Mile East of Honey Creek Road on the North Side of Cutsinger Road and East of Alden Place Subdivision (1050 Cutsinger Road), Referencing Annexation Ordinance No. 04-58. Mr. Bates moved to pass Resolution No. 04-32 through second reading. Second by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-59 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 22.43 Acres Located on the East Side of Honey Creek Road Immediately South of Alden Place Subdivision (commonly known as the Bright Farm Property). Mr. Bates moved to pass Ordinance No. 04-59 on second reading. Second by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 04-33 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 22.43 Acres Located on the East Side of Honey Creek Road Immediately South of Alden Place Subdivision (1611 S. Honey Creek Road), Referencing Annexation Ordinance No. 04-59. Mr. Hardin moved to pass Resolution No. 04-33 on second reading, with second by Mr. Bates. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 04-34 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 9.328 Acres Located on the South Side of Smith Valley Road and West of Existing Home Depot, Referencing Annexation Ordinance No. 04-60. Mr. Hardin moved to pass Resolution No. 04-34 through second reading. Second was by Mr. Bless. Vote: Ayes (Mr. Gibson – recused himself). **PASSED SECOND READING.**

ORDINANCE No. 04-61 – An Ordinance to Amend the Text of Greenwood Ordinance No. 03-22, “An Ordinance to Establish an Equitable Impact Fee for the Purpose of Planning and Financing Park and Recreational Infrastructure to Serve New Development in the City of Greenwood”, To Insert Typographical Omissions and to Amend Greenwood Municipal Code (1993), As Amended, Chapter 2, Article 9, to Add a New Section 2-104, The Special Non-Reverting Fund Entitled the “Park and Recreation Infrastructure Improvement Fund”. Mr. Deer moved to pass Ordinance No. 04-61 on second reading. Second by Mr. Gibson. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 04-62 – An Ordinance to Establish Special Non-Reverting Funds to Administer Monies Received by the Police Department From Forfeitures and Seizures, Laboratory Fees, and Unrestricted Donations to the Police Department. Mr. Bates moved to pass Ordinance No. 04-62 through second reading. Second was by Mr. Deer. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 05-01 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 6.59 acres of land located on the southeast corner of 750 North and 125 West, commonly known as Church of the Nazarene Property). **INTRODUCED.**

ORDINANCE No. 05-02 – An Ordinance Providing For an Additional Appropriation From the Cumulative Capital Improvement Fund – Tax Levy (\$1,000,000) to the Board of Public Works and Safety for Reconstruction and Repair of a Portion of Streets Located in the Northern Park Subdivision. **INTRODUCED.**

Under miscellaneous business, consultant Eric Reedy gave an analysis of the excess levy appeal procedure. Mr. Reedy discussed other options to fund the General Fund, which he said will show a deficit): 1) the PILOT (Payment in Lieu of Taxes) program, which would tax the sewer utility; 2) the possibility of moving CCI revenue to the General Fund; and 3) requesting PDIF revenue from the State. (Handout in attachments of this meeting). After prolonged discussion on the pros and cons of accepting the entire levy, Mr. Hardin moved to accept 2/3 of the excess levy appeal. Second by Mr. Bates. Ms. Koons-Davis agreed with the Mayor that the resolution passed requesting the excess levy would have to be amended. Mayor Henderson called for the question. Vote: Ayes. Discussion ended. Roll call on the motion: Nays – Bates, Bless, Deer, Gibson, Armstrong; Aye – Hardin. Motion fails.

Mr. Bates noted that the State legislature is now considering House Bill 1182, which deals with the permanent extension of TIF and House Bill 1283, which is property tax abatement. Mr. Bates at this point moved to send a letter to our State representatives and State Senator supporting these bills. Second by Mr. Deer. Vote: Ayes – Bless, Deer, Gibson, Hardin, Bates; Nay – Armstrong. Motion carried. The City Attorney is to prepare a letter for the Mayor’s signature.

Mr. Bates then brought up a request for a speed limit study for the Reserve at Timbers Edge. Based on the traffic study, the Director of Engineering in a memo dated January 12th, recommends that if the Council is so inclined, the reduction of the speed limit to 20 mph would be justified. Mr. Bates directed the City Attorney to draft an ordinance to that effect.

Mr. Deer mentioned the repairs needed to Loews Boulevard and asked what muscle the Council could use. The Mayor suggested working with the City Attorney and the Director of Planning when petitions come up in that area.

Mr. Bates commented on the City of Greenwood section in the Indianapolis *Star*, January 17, 2005, calling it very positive for the City.

The City Attorney presented Conflict of Interest Disclosure Statements for:

Jeannine Myers, for any interest she might have in the earnings of her daughter Candace, who works part-time in the Clerk-Treasurer's office,

Jessie Reed, for her husband Byford Reed, a member of the Police Merit Commission, for any interest she might have in his earnings,

Byford Reed, for his wife Jessie Reed, for any interest he might have in her earnings as a member of the Common Council,

Garnet Vaughan, member of the Redevelopment Commission, for any interest she might have in the earnings of David Payne, her husband serving in the Police Department, and

John Gibson, for any interest and earnings he might have as the proprietor of Gibson Enterprises which sometimes does business with the City.

Mr. Bates moved to accept these Conflict of Interest Disclosure Statements so they might be filed with the State. Second by Mr. Bless. Vote: Ayes. Motion carried.

Ms. Koons-Davis has provided a list of all Common Council board and commission appointments, and their expiration dates. This confirms that the Council does not have any more appointments until Donnis Berry's appointment to the Police Merit Commission expires March 13, 2005. The updated address and telephone number list can be expected in a couple of weeks. Mr. Berry was present in the audience and affirmed he is willing to continue to serve on the Merit Commission.

Mayor Henderson reported that the Police Chief search committee met with him a couple of weeks ago. The committee is meeting again tonight. There are 21 applicants – 11 officers in the department now and 10 outside the City. It appears that all meet the requirements. The committee will reduce the number to recommend for interviews by the Mayor. Recommendations may or may not be ready by the end of the month.

The Mayor praised the work of all City personnel involved in snow removal – Street Department, Parks, Sanitation, and Fleet Maintenance. He also reported there were a couple of complaints from residents about their streets not getting plowed until last. He spoke with the Director of Operations about this, and in the future we will alternate working inward and outward from the center of the City so areas aren't always last and see how that works.

The State of the City address is set for Tuesday, January 25th, at Valle Vista. Those attending can call the Chamber office or the Mayor's office. Lunch will be served at 11:30 a.m., and the Mayor is scheduled to speak at 12:00.

With no further business, the meeting adjourned at 9:30 p.m.